NATO-enforced no-fly zone in the Darfur region of Sudan.

S. RES. 31

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as ''National Health Center Week'' in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 59

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 59, a resolution urging the European Union to maintain its arms export embargo on the People's Republic of China.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 611. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Emergency Medical Services Act of 2005. This legislation will help to improve Federal efforts to support community-based emergency medical services across America. I am pleased to be joined by Senator FEINGOLD in this effort.

Today, New York University's Center for Catastrophe Preparedness and Response is releasing an important report, titled ''Findings from a National Roundtable to Improve Emergency Medical Service's Homeland Security Preparedness.'' This report details concerns and recommendations from more than 50 representatives of national EMS organizations and Federal agencies. Their top recommendation was to improve EMS homeland security preparedness through enactment of the very measure we are introducing today. I would note that a former member of my staff, Tim Raducha-Grace drafted this report. Tim continues to be a champion of first responders nationwide, and I congratulate him on this latest achievement.

A comprehensive, coordinated emergency medical services system is essential to assure prompt, quality care to help individuals suffering from automobile crashes to traumatic medical emergencies, to terrorist events. The emergency medical services system serves as one of the most important parts of our health care safety net.

Unfortunately, for the past 20 years, Federal support for EMS has been both scarce and uncoordinated. At least seven Federal agencies are involved in various aspects of emergency medical services (EMS), though most agencies focus on only one segment of the EMS system and don't effectively coordinate with other agencies.

In 2001, at the request of Senator FEINGOLD and myself, the General Accounting Office cited in its report Emergency Medical Services: Reported needs are Wide-Ranging with a Growing Focus on Lack of Data the need to increase coordination among Federal agencies as they address the needs of regional, State, or local emergency medical services systems.

This legislation would seeks to improve one of the few existing efforts to coordinate Federal support for EMS providers. This legislation would formally establish a Federal Interagency Council on Emergency Medical Services (FICEMS), and would require the National Highway Traffic Safety Administration, in coordination with the Department of Homeland Security, to provide organizational and staff support.

This legislation would enhance coordination among the Federal agencies involved with the State, local, tribal and regional emergency medical services and 9–1–1 systems. It would also help to assure Federal agencies coordinate their EMS-related activities and maximize the best utilization of established funding.

Local, State and Federal level emergency medical services systems are extremely diverse and involve numerous different agencies and organizations. To assure a viable, responsive emergency medical services system, Federal agencies need the input and advice of their non-Federal partners and from persons regulating or providing emergency medical services systems at the State and local level.

According to Tom Judge, the Executive Director of Lifeflight of Maine, and Jay Bradshaw, the State of Maine's EMS Director, improved coordination can help strengthen support for a wide range of emergency medical services, from rural EMS providers, to communications between EMS systems, to improving coordination between local EMS providers and their Federal partners.

Another GAO report made it clear that the Center for Medicare and Medicaid Services needs to better coordinate its reimbursement with the Department of Transportation's matching grants for equipment and vehicles. Many of Maine's communities are at risk of seeing their first ambulance service closures in rural areas, such as in Rumford, ME, due to low reimbursement rates. If DOT targeted assistance to the low reimbursement areas that were at risk of shutting down, we might be able to maintain service in those areas.

Improved coordination could also strengthen the integration between local providers and Federal agencies. Substantial numbers of our Reserve and National Guard units are being called up for duty, which has hurt search and air rescue capability across Maine. While LifeFlight of Maine is called upon to provide an eye in the sky there is little to no current capability for lifting someone out of the woods when there is no space to land. If the Navy pulls the last part time aircraft out of Brunswick Naval Air station, there wouldn't be any capability at all within a reasonable response timeframe.

I am pleased to have the support of Maine's EMS Director, Jay Bradshaw, Lifeflight of Maine, the American Ambulance Association, the National Association of Maine EMS Directors, and others.

We must ensure that Federal agencies coordinate their efforts to support the dedicated men and women who provide EMS services across our Nation. I urge my colleagues to join me in supporting their efforts by cosponsoring this legislation.

Mr. FEINGOLD. Mr. President, I am pleased to join my colleague from Maine, Senator COLLINS, today to introduce legislation that will help improve and streamline Federal support for community-based emergency medical services. Our proposal will also provide an avenue for local officials and EMS providers to help Federal agencies improve existing programs and future initiatives.

When someone has been seriously hurt or has an emergency medical problem in this country, the first thing they do is call for an ambulance. And the EMS providers of this country do a great job in responding to these emergencies. All of us have a friend or loved one who has relied on these first responders. These folks rush to assist people in trouble no matter the cause. Their only interest is making sure the patient is medically stable and being taken care of.

Congress has long recognized the important role played by EMS providers. However, Federal support for EMS has been unfocused and uncoordinated, with responsibility scattered among a number of different agencies. In 2001, the General Accounting Office cited the need to increase coordination between the Federal agencies involved with EMS issues but not much progress has been made since that report was issued. The Federal Government doesn't even have a good handle on how much it is spending on EMS or what the needs are for EMS.

A report to be released today by the New York University Center for Catastrophe Preparedness and Response highlights some of the deficiencies in our support for EMS. According to that report, less than 4 percent of the Office of Domestic Preparedness first responder grant funding and 5 percent of

HHS bioterrorism grant funding goes to EMS. More than half of ambulance providers received no direct Federal funding for homeland security preparedness. EMS providers receive very little homeland security preparedness education, training, and equipment and tend not to be well integrated into overall response planning.

The bill we introduce today is a good first step towards addressing many of the deficiencies in our current EMS policies and takes many of the steps recommended by the NYU report. It would establishes a Federal interagency committee whose purpose will be to coordinate Federal EMS activities, identify EMS needs, assure proper integration of EMS in homeland security planning, and make recommendations on improving and streamlining EMS support. A1though Federal law, P.L. 107–188, called for the establishment of a working group on EMS, this legislation goes further in detailing the role and function of the interagency committee. The Senate Homeland Security and Governmental Affairs Committee will certainly iron out any overlap that may exist.

This legislation also establishes an advisory council for the interagency committee that includes representatives from throughout the EMS community. The advisory committee, made up of non-Federal representatives from all EMS sectors and from both urban and rural areas, will provide guidance and input to the interagency committee on a variety of issues including the development of standards and national plans, expanding or creating grant programs, and improving and streamlining Federal EMS efforts. The advisory council is a critical component of this legislation because it is the channel through which local EMS practitioners can directly impact and help reform national EMS policy.

I want to thank the long list of supporting organizations, including Advocates for EMS, the American Ambulance Association, the American College of Surgeons, the American Medical Association, the American Heart Association, Association of Air Medical Services, ComCARE, the Emergency Nurses Association, Gold Cross/Mayo Medical Transport, the National Association of EMS Educators, the National Association of EMS Technicians, the National Association of EMS Physicians, the National EMS Pilot Association, the National Association of State EMS Directors, and the National Registry of EMTs. I also want to thank all of those Wisconsinites who provided so much helpful input in coming up with this legislation. In particular, I would like to thank Dr. Marvin Birnbaum of the University of Wisconsin, Fire Chief Dave Bloom of the Town of Madison, and Dan Williams, chair of Wisconsin's EMS advisory board, for their advice and guidance.

EMS providers are a critical component of our Nation's first responder network. We must act now to streamline and coordinate Federal EMS support and work to better understand the needs of the EMS community. I therefore ask my colleagues to join me in supporting this legislation.

By Mr. SPECTER:

S. 612. A bill to require the Secretary of the Army to award the Combat Medical Badge or another combat badge for Army helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

Mr. SPECTER. Mr. President, I have sought recognition to explain briefly the provisions of legislation I have introduced today that would direct the Secretary of the Army to award the Combat Medical Badge (CMB), or a similar badge to be designed by the Secretary of the Army, to pilots and crew of the Army's helicopter medical ambulance units—commonly referred to by their call sign ''DUST OFF''—who have flown combat missions to rescue and aid wounded soldiers, sailors, airmen, and Marines.

The legacy of the DUST OFF mission was brought to my attention by a group of Pennsylvania constituents who have been sharing the DUST OFF story in an attempt to persuade the Army to recognize the service and sacrifice DUST OFF crews made, especially during the Vietnam War, in saving the lives of thousands of fallen comrades by extracting the wounded from forward positions to bases where they would receive life-saving medical care.

The Army began using helicopters to evacuate wounded soldiers during the Korean War. However, because of their smaller size, Korean War helicopters were used solely as a means of transporting the wounded from the combat zones. It was not until the early 1960's that a group of Army aviators envisioned using the newer, larger, UH–1A ''Huey'' helicopters to serve as mobile air ambulances where a medic and crew could provide life-saving treatment en route to the medical aide station.

The road to establish air ambulance units within the Army was rocky and uncertain. Combat commanders often considered the use of helicopters for this purpose a diversion of valuable resources. However, through determination, skill, and the American fighting spirit, air ambulance crews proved they were a valuable and reliable resource in providing support to the combat mission. Indeed, between 1962 and 1973, DUST OFF crews evacuated more than 900,000 allied military personnel and Vietnamese civilian casualties to medical assistance sites.

Captain John Temperelli, Jr. was the first commander of the 57th Medical Detachment, Helicopter Ambulance, who would lead the first DUST OFF unit in Vietnam. Army Captain Temperelli is considered the ''pioneer'' of DUST OFF; however, it was Army Major Charles L. Kelly, the unit's third commander, who would establish the traditions and the motto that DUST OFF crews hold sacred today.

Major Kelly, like his predecessors, believed in the mission of rescuing fallen comrades so much so that he gave his life to the mission. On July 1, 1964, Major Kelly and his crew received a call to evacuate a wounded soldier. When they arrived, Major Kelly was instructed by an American advisor on the ground to leave the area; the landing zone was too ''hot.'' Major Kelly responded with the phrase that would become the DUST OFF motto: ''When I have your wounded.'' As Major Kelly hovered over the battlefield, an enemy bullet struck him in the heart; he was killed. It was with news of Major Kelly's death and the story of DUST OFF's dedication to the wounded that DUST OFF earned its permanency in the Army.

I received a book written by a Pennsylvania native, Army Chief Warrant Officer 5 Mike Novosel, titled DUSTOFF: The Memoir of an Army Aviator. Mr. Novosel—a Medal of Honor recipient who served two tours in Vietnam and was a veteran of two other wars—knows first hand the sacrifice, courage and dedication to duty that DUST OFF crews displayed in Vietnam and continue to display today. In his two tours as a DUST OFF pilot in Vietnam, Mr. Novosel flew 2,543 missions and extracted 5,589 wounded. In his book, Mr. Novosel shares many amazing stories of landing in ''hot'' landing zones to allow his medic and crew chief, who were also exposed to enemy fire, to rescue and care for the wounded. But as Mr. Novosel has said, his experience as a DUST OFF pilot was not uncommon. Thousands of brave soldiers risked their lives every day by flying into combat zones to evacuate the wounded.

I am honored that Mr. Novosel and others have brought the story of DUST OFF to my attention. It is my sincere hope that the Army will recognize DUST OFF pilots and crew with an appropriate badge which acknowledges the combat service of these brave individuals. When the War Department created the Combat Medical Badge (CMB) in WWII, as a companion to the Combat Infantryman Badge (CIB) it did so to recognize that ''medical aidmen . . . shared the same hazards and hardships of ground combat on a daily basis with the infantry soldier.'' DUST OFF pilots and crew equally shared the hazards and hardships of ground combat with the infantry soldier. The fact that they were not directly assigned or attached to a particular infantry unit a fact that, under current Army policy, makes them eligible to receive a CIB or CMB should not bar special recognition of their service, service that one author has characterized as ''the brightest achievement of the U.S. Army in Vietnam.''

On July 29, 2003, I chaired a hearing of the Senate Committee on Veterans Affairs to hear testimony from DUST OFF participants about their experiences under fire. I gave the Army an opportunity to explain its position and,

perhaps, rethink its opposition to the awarding of an appropriate designation to DUST OFF crew members. Based on testimony offered by three Vietnam veterans—Chief Warrant Officer, Ret., Michael J. Novosel, M.O.H., Chief Warrant Officer, Ret., John M. Travers, and Mr. William Fredrick ''Fred'' Castleberry—I am now more convinced than ever of the worthiness of this legislation. Following the July 29, 2003, hearing, I introduced this legislation—S. 1487 in the 108th Congress. The bill was referred to the Committee on Armed Services, which has jurisdiction over this matter. Unfortunately, the bill never made its way out of committee which is why I am re-introducing this important legislation today.

Army officials recently decided to create a ''Close Combat Badge'' (CCB) for non-infantry soldiers that recognizes their direct participation in ground combat. However, this badge will not be awarded to DUST OFF Medical Helicopter Evacuation Crew Members who have yet to be properly recognized.

On the Vietnam Veterans Memorial are etched the names of over 400 medics, pilots, and crew that gave their lives so others might live. The forward thinking, enthusiasm, and dedication of DUST OFF crews in Vietnam are attributes seen in today's DUST OFF crews. I urge my colleagues to support this legislation which would recognize the nature of the service these individuals have performed, and continue to perform, while serving on DUST OFF crews.

By Mr. SPECTER:

S. 613. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the Nation by creating the ''Steel Industry National Historic Site'' to be operated by the National Park Service in southwestern Pennsylvania.

The importance of steel to the industrial development of the United States cannot be overstated. A national historic site devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethic endemic to this great Nation. The National Park Service recently reported that Congress should make remnants of the U.S. Steel Homestead Works an affiliate of the national park system, rather than a full national park, an option which had been considered in prior years, and which I proposed in legislation during the 107th Congress. Due to the backlog of maintenance projects at national parks, the legislation offered today instead creates a national historic site that would be affiliated with the National Park Service. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America and continues to today.

I have long supported efforts to preserve and enhance this historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the City of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington and Westmoreland. I have sought and been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of roughly $1 million annually since fiscal year 1998. I am hopeful that this support will continue. However, more than just resources are necessary to ensure the historical recognition needed for this important heritage. That is why I am introducing this legislation today.

It is important to note why southwestern Pennsylvania should be the home to the national site that my legislation authorizes. The combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our Nation's development. Some of these sites include the Carrie Furnace complex, the Hot Metal Bridge, and the Unites States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Site under my legislation.

Highlights of such a national historic site would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national site under this bill includes the location of the Battle of Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of Homestead marked a crucial period in our Nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground and the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the federal government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative MIKE DOYLE, who has been a longstanding leader in this preservation effort and who has consistently sponsored identical legislation in the U.S. House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr. August Carlino, President and Chief Executive Officer of the Steel Industry Heritage Corporation, in order to bring this national historic site to fruition. We came very close to passing this bill in the 108th Congress with its passage in various forms in the House and Senate. However, Congress adjourned prior to final passage of the same bill in both chambers. Therefore, today I reintroduce this legislation and urge its swift passage.

By Mr. SPECTER:

S. 614. A bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to reintroduce the ''Veterans Prescription Drugs Assistance Act of 2005,'' a bill which seeks to assist Medicare-eligible veterans struggling with the costs of prescription medications.

In the 108th Congress, I worked with my colleagues to provide a prescription drug benefit for all Medicare-eligible seniors. Today, I offer legislation to allow Medicare-eligible veterans to obtain prescription drugs from the Department of Veterans Affairs (VA) at the significantly discounted costs that VA, as a high-volume purchaser of prescriptions medications, is able to secure in the marketplace.

On May 23, 2003, I introduced similar legislation—S. 1153 in the 108th Congress. In my capacity as Chairman of the Veterans Affairs Committee in the 108th Congress, I held a hearing on June 22, 2004, and heard testimony from Senate colleagues, Veterans Administration officials, and various veterans service organizations on this important legislation. On July 20, 2004, the Committee on Veterans Affairs reported out S. 1153 by a vote of 10 yeas and 5 nays. Unfortunately, the full Senate did not consider this measure.

In 2003, former Veterans Affairs Secretary Anthony J. Principi was forced to limit access to VA care—which continues to this day—by suspending new enrollments of non-service-disabled middle and higher income veterans who were not enrolled for care as of January 17, 2003. The Secretary was forced to so act because the number of patients provided care by VA had more than doubled in just five years and, as a result, VA's medical care system had been overwhelmed. As a consequence, VA was unable to provide timely access to healthcare for all veterans who had sought it and appointment waiting times had grown to alarming levels. But in almost every news story that followed the Secretary's difficult decision, it was noted that many of the new

enrollees who had overwhelmed VA's capacity to provide care were Medicare-eligible veterans who were able to get Medicare-financed care elsewhere but who were seeking access to the relatively generous prescription drug program provided to veterans under VA care.

Currently, VA provides enrolled patients with prescription medications for $7 for each 30-day supply. But to get such prescriptions, the veteran must obtain the full range of medical care from VA. This fact, coupled with former VA Secretary Principi's decision to close enrollment, means that veterans who are now, or who will be, eligible for Medicare who had not enrolled for VA care prior to January 17, 2003, will be unable to access VA's generous prescription drug benefits. This legislation would provide some relief for those veterans. In addition, I anticipate that it may induce some VA-enrolled Medicare-eligible veterans—those who were happy with their Medicare-financed care but who enrolled for VA care to gain access to VA-supplied drugs—to return to non-VA care with knowledge that they will be able to get their non-VA prescriptions filled through VA. Enactment of this provision, then, would reduce—not exacerbate—VA patient backlog numbers.

The premise of this legislation is straightforward. VA fills and distributes more than 100 million prescriptions each year for its 4.7 million veteran-patients. As a result, it has significant purchasing power—power which, coupled with VA's formulary program, allows it to negotiate very favorable prices for prescription drugs. According to the National Association of Chain Drug Stores, the average ''cash cost'' of a prescription in 2003 was $59.28. The average VA per-prescription cost in 2003 was just under $25—more than 50 percent less. This bill would allow veterans to access these significant discounts simply by providing a written prescription from any duly licensed physician, presumably one he or she has seen under the Medicare program.

By reintroducing this legislation today, I seek to afford Medicare-eligible veterans access to such discounts. I do not propose that VA be directed to supply drugs to all Medicare-eligible veterans at VA expense, or even with a partial VA subsidy. VA has stated that such a mandate would divert VA funding which, clearly, is already stretched to the limit—away from VA priority patients: the service-connected, the poor, and those with special needs. I accept VA's statement of concern. I accept and I insist that scarce funding be directed, first, to meet the needs of priority patients. This legislation, therefore, requires that VA recover the costs of drugs it supplies under this program from veterans who bring their prescriptions from outside doctors to VA.

I do not propose to tell VA in this bill how to recover these costs. VA is better positioned than I to make such judgments. Thus, my legislation provides flexibility to VA to design and test payment mechanisms to best accomplish cost recovery while still easing veterans' access to the drugs they need. It might be that enrollment fees, a co-payment structure, or a simple ''cost-plus'' for administrative expenses pricing format, or some combination of those mechanisms works best. It might be that different approaches work best in different regions of the country. I intend for the VA to experiment with different pricing structures to determine what works best. However, I also intend that veterans get a break on prescription drug pricing.

Those who would first benefit from this program are World War II and Korean War veterans who answered their country's call over 50 years ago. As they age, many desperately need relief from high drug prices. My purpose is not to minimize the work of the drug companies. Their discoveries have truly been marvels, but that is precious little comfort to a Medicare participant who, whatever the drug's overall utility might be, cannot afford both the drug and food or shelter or heat.

The premise of this legislation is simple: veteran access to VA market-driven discounts. Yet, the assistance it could provide might be profound. I urge my colleagues to support this bill so that the problem might be solved, or at least reduced, for seniors who served. They deserve it, and we should do it.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 616. A bill to inform the American public and to protect children from increasing depictions of indecent and gratuitous and excessive violent material on television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, to better protect our children and families from the increasingly indecent and violent images pervading our homes, I am introducing with Senator HUTCHISON the Indecent and Gratuitous and Excessively Violent Programming Control Act of 2005. I believe this to be a crucial issue with far-reaching implications for our young people and for our country, and I strongly encourage my colleagues to join me in seeing that this bill is enacted and sent to the President for his signature.

Each day, and for hours and hours every day, broadcast, cable, and satellite television outlets indiscriminately barrage our children and families with indecent and violent images. Our children don't differentiate between sources of their programs, and neither should the law. Not only does the pervasive nature of indecent programming coarsen our society, but also its effects are being felt in our homes, in our schools, and on our streets. I cannot tell you how many parents and educators have told me that the behavior of the children in their care is bad and getting worse, and that they blame what these kids are seeing on television for much of the problem.

The Indecent and Gratuitous and Excessively Violent Programming Control Act is not intended to limit artistic expression, nor is it my purpose to impose the will of Congress on decisions that properly belong to parents. What I hope to do with this legislation is to give parents and broadcasters, especially local affiliates, a set of tools they can use to control the violence and lewdness being beamed into their homes and communities. To help parents determine what is appropriate programming for their children to watch, this legislation mandates meaningful labeling of violent and indecent programming to include a full-screen, 30-second warning every 30 minutes on broadcast, cable, and satellite programming. To help local broadcasters determine what appropriate programming for their communities is, the bill would allow local broadcasters to refuse to air programming that they believe violates their own community standards, and protects local broadcasters from fines levied for broadcast decisions imposed on them by national networks. I believe local broadcasters in West Virginia and across the country know what the standards of decency are in their own communities, but currently are at the mercy of the national networks. We need to give them the tools to follow community standards, and protect them when a national network forces them to air harmful programming.

The Indecent and Gratuitous and Excessively Violent Programming Control Act will require the Federal Communication Commission to begin comprehensive review of existing technologies to protect our children from gratuitous and excessively violent programming on broadcast television. My bill would require the FCC to assess the effectiveness of both the current voluntary ratings system and the ''V–Chip'' and other content-blocking technologies. I supported both voluntary announcements and requiring television manufacturers to install the V–Chip. I believe that both can be beneficial to parents who seek to limit what their kids are seeing. But I acknowledge—as every parent in a house with a television must that kids will seek out inappropriate content, and will attempt to find a way around whatever warnings or technological fixes we put in place to control their access to that content.

This legislation calls upon the FCC to recommend improved techniques or additional technologies that will help parents protect their children from material that could harm them or incite them to harm others. Specifically, if the FCC cannot affirm that these technologies are practically effective in protecting children then 1. create a ''safe harbor'' or other mechanism to protect children from gratuitous and excessively violent programming on

broadcast television and 2. Require the least restrictive means to protect children from indecency and gratuitous and excessive violence for cable and satellite programming.

This should not be an ad hoc judgment made out of fear of the FCC on the part of broadcasters, but instead a bright line test that artists, television networks, advertisers, and cable and satellite providers and, most importantly, parents can rely on. Because programming that is excessively violent or promotes violence is every bit as damaging to our youth as is content depicting sexuality in gratuitous or prurient manner, we must address both issues.

The Indecent and Violent Programming Control Act would increase fines the FCC could impose on broadcasters from $27,500 to $500,000 and gives the FCC the appropriate authority to double fines bases on certain circumstances. While I believe indecent programming transmitted against national and community standards, or against the wishes of adult consumers, must be punished, I also believe that most broadcasters are responsible and are interested in providing wholesome entertainment. As a means of self-policing, I have included a Sense of Congress that broadcast television outlets, as well as cable and satellite providers, abide by the ''Television Code of National Association of Broadcasters.''

Finally, and this may be the most important part of the bill, my legislation mandates that all broadcasters, be they network, cable, or satellite, to double the amount of children's programming they are required to show each week. Whatever one believes about other parts of the legislation I am introducing here today, I would hope that my colleagues would be pleased and proud to see this provision enacted. What might surprise my colleagues, and indeed most Americans, is that broadcasters are currently only required to show three hours of children's content a week. When you consider that what passes for children's content often amounts to little more than advertisements for products aimed at children, this is a travesty.

I welcome a vigorous and healthy debate on the issue of indecent programming aimed at children. We owe it to our children, and to the nation, to take up these challenging questions, and resolve to find ways to protect kids, encourage creativity, and pay allegiance to the Constitution. I believe the Indecent and Gratuitous and Excessively Violent Programming Control Act is a vital step toward that goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indecent and Gratuitous and Excessively Violent Programming Control Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Increasingly, parents, educators, and families are concerned about the material that is broadcast on television and radio, and the effect such material has on America's children.

(2) Television influences children's perception of the values and behavior that are common and acceptable in society.

(3) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(4) 85.1 percent of all American homes subscribe to multi-channel video programming.

(5) Complaints about indecent programming have grown exponentially in the last five years.

(6) In 2004, Americans filed over 1,000,000 complaints with the Federal Communications Commission about indecent programming.

(7) According to reports from the Parents Television Council, indecent and violent video programming on cable television is pervasive.

(8) Studies also show that parents are increasingly concerned. According to the Kaiser Family Foundation, more than 4 out of 5 parents are concerned that their children are being exposed to too much sex on television.

(9) Violent video programming influences children, as does, indecent programming.

(10) The American Association of Pediatrics, the American Psychological Association, the American Medical Association, and the U.S. Surgeon General have all documented the harm from watching excessive television violence on children.

(11) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(12) There is empirical evidence that children exposed to violent video programming have a greater tendency to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(13) There is empirical evidence that children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(14) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(15) A significant amount of violent video programming that is readily accessible to minors remains unrated specifically for violence and therefore cannot be blocked solely on the basis of its violent content.

(16) Age-based ratings that do not include content rating for violence do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(17) Technology-based solutions, such as the V-chip, may be helpful in protecting some children, but cannot achieve the compelling governmental interest in protecting all children from violent video programming when parents are only able to block programming that has, in fact, been rated for violence.

(18) Restricting the hours when violent video programming can be shown to protect the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

(19) After further study, pursuant to a rulemaking, the Federal Communications Commission may conclude that content-based ratings and blocking technology do not effectively protect children from the harm of violent video programming.

(20) If the Federal Communications Commission reaches the conclusion described in paragraph (19), the channeling of violent video programming will be the least restrictive means of limiting the exposure of children to the harmful influences of violent video programming.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.—The term ''multichannel video programming distributor'' has the same meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(3) OTHER PROGRAMMING SERVICE.—The term ''other programming service'' has the same meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

SEC. 4. EFFECTIVENESS OF MEASURES PROTECTING CHILDREN FROM INDECENT AND VIOLENT VIDEO PROGRAMMING.

(a) ASSESSMENT.—The Commission shall assess—

(1) the technological and practical effectiveness of statutory and regulatory measures that require television broadcast station licensees and multichannel video programming distributors to rate and encode programming that could be blocked by parents, including use of the technology required by the Commission's Report and Order, ET Docket 97-206, under section 303(x) of the Communications Act of 1934 (47 U.S.C. 303(x)), in accomplishing their intended purposes;

(2)(A) the prevalence of violent programming on television;

(B) the effectiveness of the current system for rating and encoding violent television programming, including—

(i) an assessment of consumer awareness of the current ratings system; and

(ii) an assessment of whether current ratings are self-administered or performed by independent organizations; and

(3) the technological and practical effectiveness of measures used by multichannel video programming distributors to protect children from exposure to—

(A) indecent video programming; and

(B) gratuitous and excessively violent video programming.

(b) REPORTS.—Not later than 60 days after the date of enactment of this Act and annually thereafter, the Commission shall report its findings from the assessments made under subsection (a) to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives.

(c) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—If the Commission determines, on the basis of an assessment under subsection (a), that a measure described in subsection (a) is not effective in protecting

children from exposure to gratuitous and excessively violent video programming on television broadcasts, or from exposure to indecent video programming or gratuitous and excessively violent video programming carried by multichannel video programming distributors, then the Commission shall initiate and conclude (not later than 270 days after the date of that determination) a rulemaking proceeding—

(A) to prohibit television broadcast station licensees from broadcasting gratuitous and excessively violent programming during the hours when children are reasonably likely to comprise a substantial portion of the audience if the Commission's determination relates to measures applicable to such broadcast television programming; or

(B) to adopt measures to protect children from indecent video programming, or gratuitous and excessively violent video programming, as the case may be, carried by multichannel video programming distributors during the hours when children are reasonably likely to comprise a substantial portion of the audience if the Commission's determination relates to measures applicable to such multichannel video programming.

(2) EXEMPTIONS.—The Commission may exempt from any prohibition or measure promulgated under paragraph (1)—

(A) video programming the broadcast or carriage of which does not conflict with the objective of protecting children from access to—

(i) indecent programming; or

(ii) gratuitous and excessively violent video programming; and

(B) premium and pay-per-view services.

(d) ENFORCEMENT.—The forfeiture penalties established by section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) shall apply to a violation of any regulation promulgated under subsection (c) in the same manner as if it were a violation of a provision of that Act subject to a forfeiture penalty under section 503 of that Act.

(e) DEFINITIONS.—In this section:

(1) GRATUITOUS AND EXCESSIVELY VIOLENT VIDEO PROGRAMMING.—The Commission shall define the term ''gratuitous and excessively violent video programming'' for purposes of this section. In defining it, the Commission—

(A) may include matter that is excessive or gratuitous violence within the meaning of the 1992 Broadcast Standards for the Depiction of Violence in Television Programs, December, 1992; and

(B) shall take into account the findings set forth in section 551(a) of the Telecommunications Act of 1996 (47 U.S.C. 303 note).

(2) HOURS WHEN CHILDREN ARE REASONABLY LIKELY TO COMPRISE A SUBSTANTIAL PORTION OF THE AUDIENCE.—The Commission shall define the term ''hours when children are reasonably likely to comprise a substantial portion of the audience'' for purposes of this section.

(3) INDECENT VIDEO PROGRAMMING.—The Commission shall define the term ''indecent video programming'' for purposes of this section.

(4) TELEVISION BROADCAST STATION LICENSEE.—The term ''television broadcast station licensee'' means the licensee or permittee of a television broadcast station licensed or permitted by the Federal Communications Commission under title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.).

SEC. 5. IMPROVED ENFORCEMENT OF INDECENCY ON BROADCAST PROGRAMMING.

(a) IN GENERAL.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Notwithstanding subparagraph (A), if the violator is—

''(i)(I) a broadcast station licensee or permittee; or

''(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

''(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language or images,

the amount of any forfeiture penalty determined under this subsection shall not exceed $500,000, with each utterance constituting a separate violation, except that the amount assessed a licensee or permitee for any number of violations in a given 24-hour time period shall not exceed a total of $3,000,000. In determining the amount of any forfeiture penalty under this subparagraph, the Commission, in addition to the elements identified in subparagraph (E), shall take into account the violator's ability to pay, including such factors as the revenue and profits of the broadcast stations that aired the obscene, indecent, or profane language and the size of the markets in which these stations are located.'';

(3) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)''.

(b) ADDITIONAL FACTORS IN INDECENCY PENALTIES; EXCEPTION.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)), as amended by subsection (a) of this section, is amended by adding at the end the following:

''(F) In the case of a violation in which the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material, the Commission shall take into account, in addition to the matters described in subparagraph (E), the following factors with respect to the degree of culpability of the violator:

''(i) Whether the material uttered by the violator was live or recorded, scripted or unscripted.

''(ii) Whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material.

''(iii) If the violator originated live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming.

''(iv) The size of the viewing or listening audience of the programming.

''(v) The size of the market.

''(vi) Whether the violation occurred during a children's television program (as such term is used in the Children's Television Programming Policy referenced in section 73.4050(c) of the Commission's regulations (47 C.F.R. 73.4050(c)) or during a television program rated TVY, TVY7, TVY7FV, or TVG under the TV Parental Guidelines as such ratings were approved by the Commission in implementation of section 551 of the Telecommunications Act of 1996, Video Programming Ratings, Report and Order, CS Docket No. 97–55, 13 F.C.C. Rcd. 8232 (1998)), and, with respect to a radio broadcast station licensee, permittee, or applicant, whether the target audience was primarily comprised of, or should reasonably have been expected to be primarily comprised of, children.

''(G) The Commission may double the amount of any forfeiture penalty if the Commission determines additional factors are present which are aggravating in nature, including—

''(i) whether the material uttered by the violator was recorded or scripted;

''(ii) whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material;

''(iii) whether the violator failed to block live or unscripted programming;

''(iv) whether the size of the viewing or listening audience of the programming was substantially larger than usual, such as a national or international championship sporting event or awards program; and

''(v) whether the violation occurred during a children's television program (as defined in subparagraph (F)(vi)).

''(H) For purposes of this section, the Commission shall have the authority to impose a forfeiture penalty on any broadcast station (as defined in section 153), network station, nationally distributed superstation, or television network (as those terms are defined in section 339).''.

(c) PUBLIC HEARINGS FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—Section 503 of the Communications Act of 1934 (47 U.S.C. 503) is amended by adding at the end the following new subsection:

''(c) PUBLIC HEARINGS FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—

''(1) IN GENERAL.—In any proceeding initiated under this section in which the Commission issues a notice of apparent liability, but prior to its imposition of a forfeiture penalty, the Commission or designees of the Commission shall conduct public hearings or forums at the discretion of the Commission or its designees, at any time and place the Commission or its designees is able to secure facilities and witnesses, for the purpose of carrying out the duties of the Commission and to ascertain the concerns and interests of the affected viewing communities exposed to the broadcast.

''(2) COMBINED HEARINGS.—If a broadcast results in the initiation of multiple proceedings and the issuance of multiple notices of apparent liability, but prior to the imposition of multiple forfeiture penalties, the Commission or its designee may combine the hearings required under paragraph (1).''.

SEC. 6. LOCAL BROADCASTING AUTHORITY TO PREEMPT PROGRAMMING.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et. seq.) is amended by adding at the end the following:

''SEC. 340. LOCAL BROADCASTING AUTHORITY TO PREEMPT PROGRAMMING DEEMED OBSCENE OR INDECENT.

''(a) LOCAL BROADCASTER ABILITY TO REVIEW PROGRAMMING IN ADVANCE.—A broadcast station licensee or permittee that receives programming from a network organization, but that is not owned or controlled, or under common ownership or control with, such network organization, shall be given reasonable opportunity to review all recorded or scripted programming in advance.

''(b) AUTHORITY TO PREEMPT.—A broadcast station licensee or permittee described in subsection (a)—

''(1) may decide not to broadcast, or otherwise preempt, in whole or in part and without penalty, any programming that it reasonably believes depicts or describes—

''(A) obscene, indecent, profane, or gratuitous and excessively violent material; or

''(B) activities that would be patently offensive as measured by the community standards of the community in which they operate; and

''(2) shall notify, in advance, the network organization of any decision not to broadcast, or otherwise preempt, any programming under paragraph (1).

''(c) EXEMPTION FROM PENALTY.—A broadcast station licensee or permittee described in subsection (a) shall not be subject to a forfeiture penalty under section 503(b)(2) for the broadcast of a program found to be in violation of section 503(b)(1), if the broadcast station licensee or permittee prior to such broadcast was—

''(1) required by a network organization to broadcast the program which was recorded or scripted, regardless of such broadcast station licensee or permittee's decision not to broadcast, or otherwise preempt, the program under subsection (b);

''(2) not provided a reasonable opportunity to review the program; or

''(3) required to broadcast the program which was unscripted, live, or otherwise presented without a time delay blocking mechanism.

''(d) LIMITATION.—Nothing in this section shall preclude the imposition of a forfeiture penalty under section 503(b)(2) against a network organization or its owned and operated affiliate.

''(e) DEFINITION.—The Commission shall by rule define the term 'network organization' for purposes of this section.''.

SEC. 7. WARNINGS BASED ON CONTENT OF PROGRAMMING.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.), as amended by section 6, is amended by adding at the end the following:

''SEC. 341. WARNINGS BASED ON CONTENT OF PROGRAMMING.

''(a) IN GENERAL.—Each television and radio broadcast licensee, multichannel video programming distributor, or other programming service shall provide a warning of the specific content of each recorded or scripted program it broadcasts.

''(b) WARNING STANDARDS.—A warning provided under subsection (a) shall—

''(1) include information regarding the language content, sexual content, and violence content of the program to be broadcast or distributed;

''(2) be broadcast or distributed so as—

''(A) to appear in both visible and audible form;

''(B) to appear full screen for 30 seconds at the beginning of the program, and every 30 minutes thereafter in the case of a program in excess of 30 minutes in length; and

''(C) to advise viewers of their ability to block any such program, including programs containing gratuitous and excessively violent material, using V-chip technology to block display of programs with a common rating required under subsection (x) of section 303.

''(c) REVIEW.—The Commission shall, from time to time, review the warnings on the content of broadcast programming required under this section for the purpose of assuring that such warnings meet the requirements of this section.

''(d) DEFINITIONS.—As used in this section, the terms 'multichannel video programming distributor' and 'other programming service' have the same meaning given such terms in section 602.

''(e) LIMITATION.—Nothing in this section shall be deemed or construed to relieve, preclude, or obviate the application of the ratings standards set forth in the TV Parental Guidelines (Video Programming Ratings, Report and Order, CS Docket No. 97-55, 13 F.C.C. Rcd. 8232 (1998)) as such voluntary ratings were established by the National Association of Broadcasters, the National Cable Television Association, and the Motion Picture Association of America and approved by the Commission in implementation of section 551.''.

SEC. 8. ASSESSMENT OF THE EFFECTIVENESS OF VOLUNTARY RATING STANDARDS.

The Commission shall—

(1) assess the effectiveness of measures designed to provide parents with timely information about the rating of upcoming broadcast programming under the TV Parental Guidelines (Video Programming Ratings, Report and Order, CS Docket No. 97-55, 13 F.C.C. Rcd. 8232 (1998)) as such voluntary ratings were established by the National Association of Broadcasters, the National Cable Television Association, and the Motion Picture Association of America and approved by the Commission in implementation of section 551 of the Telecommunications Act of 1996;

(2) assess the technical feasibility of developing ratings systems from alternative sources; and

(3) not later than 180 days after the date of enactment of this Act, report its findings based on the assessment under paragraphs (1) and (2) to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives.

SEC. 9. CHILDREN'S PROGRAMMING REQUIREMENTS.

(a) INCREASE IN AMOUNT OF EDUCATIONAL AND INFORMATIONAL PROGRAMMING FOR CHILDREN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission shall promulgate regulations in accordance with section 102(a) of the Children's Television Act of 1990 (47 U.S.C. 303a(a)), to require that each television broadcast licensee broadcast not less than 6 hours of programming specifically designed to serve the educational and informational needs of children during hours when children are reasonably likely to comprise a substantial portion of the audience.

(2) PROPORTIONAL INCREASE FOR DIGITAL TELEVISION MULTICASTS.—In response to the requirements of section 309(j)(14), the Commission shall promulgate regulations in accordance with section 102(a) of the Children's Television Act of 1990 (47 U.S.C. 303a(a)), to require each television broadcast licensee providing digital multicasts to provide an amount of time to broadcast programming specifically designed to serve the educational and informational needs of children during hours when children are reasonably likely to comprise a substantial portion of the audience in the same ratio to its total amount of time provided to such children's programming on its main stream under paragraph (1) bears to the total amount of time provided to all programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(b) REPORT.—The Commission shall amend its regulations to require each television broadcast licensee to file, regularly, a report on how it met, for the year in review, its obligations to serve the educational and informational needs of children in accordance with section 102(a) of the Children's Television Act of 1990 (47 U.S.C. 303a(a)).

(c) WEBSITE REQUIREMENT.—The Commission shall amend its regulations to require each television broadcast licensee for which there is a publicly accessible website on the Internet—

(1) to make its report available to the public on that website; or

(2) to provide a hyperlink on that website to the report on the Commission's website.

SEC. 10. REINSTATEMENT OF VOLUNTARY CODE OF CONDUCT.

(a) VOLUNTARY INDUSTRY CODE OF CONDUCT GOVERNING CONTENT OF BROADCAST PROGRAMMING.—It is the sense of the Congress that each television and radio broadcast licensee, multichannel video programming distributor, or other programming service should reinstitute or adopt, as the case may be, and faithfully comply with, the provisions set forth in the ''Television Code of the National Association of Broadcasters'' as adopted on December 6, 1951, with amendments thereafter, by the Television Board of the National Association of Broadcasters, formerly known as the National Association of Radio and Television Broadcasters.

(b) ANTITRUST EXEMPTION.—

(1) IN GENERAL.—The antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12) and the law of unfair competition under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) shall not apply to any joint discussion, consideration, review, action, or agreement by or among television and radio broadcast licensees, multichannel video programming distributors, or other programming services for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to provide a code of conduct regarding the content of broadcast programs.

(2) EXCEPTION.—The exemption provided for in this subsection shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person, corporation, advertiser, or industry.

SEC. 11. PREMIUM AND PAY-PER-VIEW CHANNELS EXEMPT.

(a) IN GENERAL.—Nothing in this Act shall be deemed or construed to apply to any premium or pay-per-view service.

(b) DEFINITION.—For the purpose of this section, the term ''premium or pay-per-view service'' shall mean any video programming provided by a multichannel video programming distributor that is offered on a per channel or per program basis.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 617. A bill to direct the Secretary of the Army to carry out the dredging project, Menominee Harbor, Menominee River, Michigan and Wisconsin; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I come to the floor today to introduce a bill to reauthorize the dredging of the Menominee River and Channel to 24 and 26 feet, respectively, from their present NOAA-certified depth of 20 feet. Congress originally authorized this dredging in 1960 through Public Law 86–645, which was subsequently deauthorized by the Army in an administrative action due to a lack of funding as required by the Water Resources Development Act of 1986, Public Law 99–662.

The Menominee harbor channel depth of 20 feet dates back to 1931. While harbor depths of 20 feet may have been adequate for ships of that time, a detailed study by the Army Corps of Engineers in 1959 reported the size of cargo ships using Menominee, MI and Marinette, WI ports increased significantly in the mid-1950's. Unfortunately, many of today's modern and more efficient cargo ships cannot safely navigate in harbors with 20-foot clearances. Dredging the river and

channel to 24 and 26 feet would make these ports accessible to the larger ships and would be important to the economic growth in Menominee, Marinette, and the other regions of the country with which they trade. Manufacturing, shipbuilding, and transportation industries account for over a third of the region's employment and rely heavily on access to competitive port facilities.

Dredging of the Menominee River and Channel has been the subject of no less than a dozen studies submitted to Congress over the past century. The 1959 Army Corps of Engineers study recommended dredging to the depths I am proposing today and included support from the then-Governors of Michigan and Wisconsin, and findings of no adverse impact by the Departments Interior and Health, Education, and Welfare, and the Federal Power Commission. Assessments by the environmental agencies of Michigan and Wisconsin referenced in the Corps' report indicated the proposed dredging would not harm local fish and wildlife. I urge my colleagues to support this bill.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. LAUTENBERG, Mr. SPECTER, Mrs. LINCOLN, Mr. DODD, Mr. DAYTON, and Mr. NELSON of Florida):

S. 619. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to introduce legislation that will repeal two provisions of current law that reduce earned Social Security benefits for teachers and other government pensioners—the Government Pension Offset provision and the Windfall Elimination Provision.

Under current law, public employees, whose salaries are often lower than those in the private sector, find that they are penalized and held to a different standard when it comes to retirement benefits. The unfair reduction in their benefits makes it more difficult to recruit teachers, police officers, and fire fighters; and it does so at a time when we should to be doing everything we can to recruit the best and brightest to these careers.

The current Government Pension Offset provision reduces Social Security spousal benefits by an amount equal to two-thirds of the spouse's public employment civil service pension. This can have the effect of taking away, entirely, a spouse's benefits from Social Security. And, as one might guess, this provision disproportionately affects women.

The Social Security Windfall Elimination Provision reduces Social Security benefits for retirees who paid into Social Security and also receive a government pension, such as from a teacher retirement fund.

Private sector retirees receive monthly Social Security checks equal to 90 percent of their first $627 in average monthly career earnings, plus 32 percent of monthly earnings up to $3,152 and 15 percent of earnings above $3,152. Government pensioners, however, are only allowed to receive 40 percent of the first $627 in career monthly earnings, a penalty of over $300 per month.

To my mind it is simply unfair. My legislation will allow government pensioners the chance to earn the same 90 percent to which non-government pension recipients are entitled.

I do not understand why we would want to discourage people from pursuing careers in public service by essentially saying that if you do enter public service; your family will suffer by not being able to receive the full retirement benefits they would otherwise be entitled to.

Record enrollments in public schools and the projected retirements of thousands of veteran teachers are driving an urgent need for teacher recruitment. Critical efforts to reduce class sizes also necessitate hiring additional teachers. It is estimated that schools will need to hire between 2.2 million and 2.7 million new teachers nationwide by 2009.

California currently has more than 300,000 teachers, but will need to hire an additional 300,000 teachers by 2010 to keep up with California's rate of student enrollment, which is three times the national average. All in all, California has to hire tens of thousands of new teachers every year.

To combat the growing teacher shortage crisis, forty-five States and the District of Columbia now offer ''alternate routes'' for certification to teach in the Nation's public schools.

It is a sad irony that policymakers are encouraging experienced people to change careers and enter the teaching profession at the same time that we clearly tell them that we will reduce your Social Security benefits for making such a change—benefits they worked so hard to earn.

Nearly one million government retirees nationwide are affected by the Government Pension Offset and Windfall Elimination provisions, but their impact is greatest in the 12 States that chose to keep their own public employee retirement systems, including California.

According to the Congressional Budget Office, the Government Pension Offset reduces benefits for some 200,000 individuals by more than $3,600 a year. And, as I mentioned earlier, the Windfall Elimination Provision causes already low-paid public employees outside the Social Security system, like teachers, firefighters and police officers, to lose up to sixty percent of the Social Security benefits to which they are entitled. Sadly, the loss of Social Security benefits may make these individuals eligible for more costly assistance, such as food stamps.

I am also very aware that we are facing extraordinary deficits and that fixing the problem that we are talking about here today will be expensive. I am open to considering all options that move us toward our goal of allowing individuals to keep the Social Security benefits they are entitled to. The important thing for us to do is to take action that moves us in the right direction.

The reforms that led to the Government Pension Offset provision and the Windfall Elimination Provision are almost 20 years old. At the time they were enacted, I'm sure they seemed like a good idea. Now that we are witnessing the practical effects of those reforms, I hope that Congress will pass legislation to address the unfair reduction of benefits that make it even more difficult to recruit and retain public employees.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act. This bill repeals two provisions of current law—the windfall elimination provision (WEP) and the government pension offset (GPO) that unfairly reduce earned Social Security benefits for many public employees when they retire.

Individuals affected by both the GPO and the WEP are those who are eligible for Federal, State or local pensions from work that was not covered by Social Security, but who also qualify for Social Security benefits based on their own work in covered employment or that of their spouses. While the two provisions were intended to equalize Social Security's treatment of workers, we are concerned that they unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications not just for Federal employees, but for our teachers, police officers, firefighters and other public employees as well. Despite their challenging, difficult and sometimes dangerous jobs, these invaluable public servants often receive far lower salaries than private sector employees. It is therefore doubly unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. Yet, because of these two provisions, they are unable to collect all of the Social Security benefits to which they otherwise would be entitled.

While the GPO and WEP affect public employees and retirees in virtually every State, their impact is most acute in 15 States, including Maine. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost one million retired government workers across the country have

already been adversely affected by these provisions. Millions more stand to be affected by them in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in Social Security benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the teachers, police officers, firefighters and other public servants who are so critical to the safety and well-being of our families.

The Social Security windfall elimination provision reduces Social Security benefits for retirees who paid into Social Security and who receive a government pension from work not covered under Social Security, such pensions from the Maine State Retirement Fund. While private sector retirees receive Social Security checks based on 90 percent of their first $612 average monthly career earnings, government pensioners checks are based on 40 percent a harsh penalty of more than $300 per month.

The government pension offset reduces an individual's survivor benefit under Social Security by two-thirds of the amount of his or her public pension. It is estimated that nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their deceased spouses paid Social Security taxes for many years.

What is most troubling is that this offset is most harsh for those who can least afford the loss—lower-income women. In fact, of those affected by the GPO, 73 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 of these individuals by more than $3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Our teachers and other public employees face difficult enough challenges in their day-to-day work. Individuals who have devoted their lives to public service should not have the added burden of worrying about their retirement. Many Maine teachers, in particular, have talked with me about this issue. They love their jobs and the children they teach, but they worry about the future and about their financial security in retirement.

I hear a lot about this issue in my constituent mail, as well. Patricia Dupont, for example, of Orland, ME, wrote that, because she taught for 15 years under Social Security in New Hampshire, she is living on a retirement income of less than $13,000 after 45 years in education. Since she also lost survivors' benefits from her husband's Social Security, she calculates that a repeal of the WEP and the GPO would double her current retirement income.

These provisions also penalize private sector employees who leave their jobs to become public school teachers. Ruth Wilson, a teacher from Otisfield, Maine, wrote:

''I entered the teaching profession two years ago, partly in response to the nationwide pleas for educators. As the current pool of educators near retirement in the next few years, our schools face a crisis. Low wages and long hard hours are not great selling points to young students when selecting a career.

''I love teaching and only regretted my decision when I found out about the penalties I will unfairly suffer. In my former life as a well-paid systems manager at State Street Bank in Boston, I contributed the maximum to Social Security each year. When I decided to become an educator, I figured that because of my many years of maximum Social Security contributions, I would still have a livable retirement 'wage.' I was unaware that I would be penalized as an educator in your State.''

In September of 2003, I chaired a Governmental Affairs Committee hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from 73-year old Julia Worcester of Columbia, ME, who told us about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement. Mrs. Worcester worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State Retirement System for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, she receives just $107 a month in Social Security benefits, even though she worked hard and paid into the Social Security system for more than 20 years. After paying for her health insurance, she receives less than $500 a month in pension income.

After a lifetime of hard work, Mrs. Worcester, is still substitute teaching at 75, just to make ends meet. This simply is not fair. I am therefore pleased to join Senator FEINSTEIN in introducing this legislation to repeal these two unfair provisions, and I urge my colleagues to join us a cosponsors.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Ms. MIKULSKI, Mr. DURBIN, Mrs. BOXER, Mrs. CLINTON, Mr. LEVIN, Mr. DODD, and Mr. REED):

S. 620. A bill to reinstate the Public Safety and Recreational Firearms Use Protection Act; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to offer, along with Senators WARNER of Virginia and DEWINE of Ohio, the Assault Weapons Ban Reauthorization Act of 2005. We are joined by Senators SCHUMER, MIKULSKI, DURBIN, CLINTON, BOXER, LEVIN, DODD and REED, who are original cosponsors of this critical legislation.

This is the same basic legislation that passed by the Senate last year as an amendment to a bill designed to provide blanket immunity for gun manufacturers. However, once that amendment passed, the underlying bill was defeated, in part by its own sponsors, after the National Rifle Association applied intense pressure to Members of this body.

Thus we saw the ideological and extreme view of the National Rifle Association, when they sacrificed their most desired legislative priority—gun immunity legislation—because the Senate had approved the assault weapons ban and two other amendments that would save people's lives: closing the gun show loophole, and requiring trigger locks.

Although President Bush had said he supported the assault weapons ban, he refused to personally engage to help this legislation get signed into law, and the ban expired on September 13, 2004. As a result, these weapons are now once again proliferating through our neighborhoods and communities throughout the United States.

That is why, today, I am introducing the Assault Weapons Ban Reauthorization Act of 2005. This legislation mirrors the legislation I authored in the Senate and then-Congressman SCHUMER authored in the House in 1994.

As was done then, the legislation I am introducing would: ban the manufacturing of 19 specific types of military-style assault weapons, as well as a number of other guns based on a simple test to determine whether the guns were hunting guns or weapons of war; prohibit the manufacture of large capacity ammunition magazines—clips, drums and strips of more than ten rounds—because it is those large capacity ammunition feeding devices that can make a semiautomatic assault weapons so very deadly; and continue to exempt 670 hunting guns entirely, and it is also important to note that the ban would continue to ''grandfather'' in every gun that was made before 1994. So no innocent gun owner would lose a weapon. There will again be no confiscation component to the bill.

This legislation is not perfect. There are comparisons that were made to get it passed last time around, and since its previous enactment there have been many concerns raised about the need to tighten or alter the definition in order to make the prohibition more effective. I am open to working with my colleagues to ensure we enact the best legislation possible, but we need a first step—at a minimum Congress needs to reinstate the original assault weapons ban.

Unfortunately, we are already seeing the impact of the lapse of this law and we should not let another year pass without reinstating its protections. We know the ban worked. Supply went down. Prices went up. The use of these weapons of war in gun crimes had fallen consistently since the ban passed.

According to Department of Justice data, the proportion of these assault weapons used in crime fell more than 65 percent since the ban took effect. And these statistics are backed up by report from the Brady Campaign.

The analysis in the Brady study was performed by Gerald Nunziato, who for eight years served as the Special Agent in Charge of ATF's National Tracing Center—a man who know first hand what these numbers means.

The study found two key things:

First: ''Assault weapons banned by name in the Federal Assault Weapons Act have declined significantly as a percentage of guns ATF has traced to crime, and in absolute number of traces, since the Act was passed. Had this decline not occurred, thousands more of these banned assault weapons would likely have been traced to crime over the last 10 years.''

In other words, the assault weapons legislation signed into law ten years ago successfully dried up the use of banned assault weapons in crime. Second, arguments have arisen that despite this evidence, the ban has not really worked because gun manufacturers would simply produce copycat guns that have the same killing power as assault weapons, and use these guns in crime across the country. I agree that gun manufacturers have tried everything they could to circumvent the ban and this concern is something that may need to be addressed. But let's look at what the Brady study said about this issue.

Second: ''The gun industry's efforts to evade the Federal Assault Weapons Act through the sale of 'copycat' guns has not substantially undercut the positive effect of the statute in reducing the incidence of assault weapons among crime guns.''

In other words, even though determined gun manufacturers tried to evade the ban, they were not successful and copycat guns did not replace banned guns in equal numbers, at least when traced to crimes.

In many cases, and when dealing with many issues, I continue to find that what is most compelling is not just the statistics, but rather the real people affected by the policies we debate. It's those men, women and children that are the reason most of us come to work everyday. I'm here today to talk about this issues because of the devastating effect these guns can have on families in our neighborhoods, office buildings, street corners or schoolhouses across the country. I have said before that this issue really came home to me on July 1, 1993, just over 11 years ago, when Gian Luigi Ferri walked into 101 California Street in San Francisco carrying two high-capacity TEC–DC9 assault pistols capable of holding 30- or 50-bullet magazines. Within minutes, Ferri had murdered eight people and six others were wounded. His victims were not soldiers or even enforcement officers. These people doing everyday jobs in an everyday place. A place forever tainted by the bloodshed caused by one man and his assault weapons.

And 101 California was just one of many shootings by grievance killers, discontented employees or even schoolchildren—shooting that shows us that nobody is safe when these guns are in the hands of the wrong people. Yet five months ago, the federal ban on assault weapons expired, and once again new guns like the TEC–DC9 are allowed on our streets. The ban expired despite overwhelming public support to renew it—71 percent of all Americans support renewing the assault weapons ban, as do 64 percent of people in homes with a gun. And it expired despite overwhelming support from law enforcement and civic organizations—nearly every major law enforcement and civic organization has supported a renewal, including the Fraternal Order of Police, the Chiefs of Police, the U.S. Conference of Mayors, the National Association of Counties, and the list goes on and on.

Sadly, the ban expired despite the stated public support of President George W. Bush and former Attorney General John Ashcroft and despite the support of a majority of United States Senators—52 of us voted to renew this ban just this past March. Despite all of this support, this past September the American people were lift unprotected and made less safe. And make no mistake—when the ban expired the guns began to flow. And when the guns began to flow the safety of our communities was put in jeopardy.

One advertisement that ran in gun magazines is from ArmaLite, a company that makes post-ban rifles. ArmaLite offered a coupon for a free flash suppressor for anyone who bought one of their guns before the ban expired so that, once the ban expired, the gun could be modified to its pre-ban configuration.

The ad even states that, ''It is not legal to install this on a post ban rifle until the assault weapons ban sunsets.''

This is the kind of thing we can continue to expect—companies once again producing deadly assault weapons, high capacity clips, and dangerous accessories we worked so hard to stop almost ten years ago.

The original assault weapons ban was passed before September 11, 2001, with focus on the use of these military weapons by street criminals and gangs. But in the intervening years we have come to appreciate the significance of the threat posed by foreign terrorists. We know that al Qa'ida and other shadowy terrorist groups may plan to attack us here, at home, using these very weapons. A training manual found in Afghanistan made clear that al Oa'ida has seen the threat posed by these weapons. In fact, some of these guns are the very ones being used against our men and women in uniform in Afghanistan and in Iraq.

Simply put—these weapons are not just a law enforcement problem. They are a homeland security and counter-terrorism problem. We need to take action to ensure that AK–47s and other such assault weapons cannot simply be purchased by a terrorist operative in preparation for an attack in the United States.

I am deeply disappointed that despite support of the American people, support of the Congress, and stated support of the President, the assault weapons ban was allowed to expire this past fall.

It is past time to stand up to the NRA and instead listen to law enforcement all across the nation who know that this ban makes sense and saves lives. It is past time to listen to the studies that show that crime with assault weapons of all kinds has decreased by as much as 65 percent since the ban took effect almost ten years ago.

The bottom line is that across this nation everybody knows this ban should be law. Law enforcement, mayors, cities, counties, three former Presidents, and even George W. Bush himself have said the ban should be renewed.

This time I hope, for the safety of all Americans, President Bush, Majority Leader FRIST and Speaker HASTERT will help re-enact this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 141. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table.

SA 142. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 143. Mr. BINGAMAN (for himself, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, Mr. AKAKA, Mr. SARBANES, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. MURRAY, Mr. LEVIN, Mr. HARKIN, Mr. OBAMA, Mr. BAUCUS, and Ms. CANTWELL) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

TEXT OF AMENDMENTS

SA 141. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 17, line 16, increase the amount by $1,479,000,000.

On page 17, line 17, increase the amount by $354,960,000.

On page 17, line 21, increase the amount by $1,094,460,000.

On page 17, line 25, increase the amount by $29,580,000.

On page 24, line 16, decrease the amount by $1,479,000,000.

On page 24, line 17, decrease the amount by $354,960,000.